

### **Remarks**

Claims 1, 4-6, 8, 10 and 11 are pending after entry of the foregoing amendment. Claims 1 and 11 are amended herein. Claim 1 was amended to advance prosecution and to correct a typographical error. Claim 11 has been amended to directly claim prodrugs of the compounds of formula (I). Support for the amendments to claim 11 can be found at least at page 27, line 21 to page 28, line 5 of the specification. Claim 12 has been cancelled. No new matter is added by these amendments.

### ***Rejections Under 35 U.S.C. § 112***

Claims 1, 4-6, 8, and 10-12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention.

The claims were rejected for the use of the term "N<sub>10</sub>-C<sub>11</sub> prodrug" in claim 1 because the nature of the claimed prodrugs is unclear. In order to advance prosecution and without acquiescing to the propriety of the rejection, Applicants have amended claim 1 to delete the term "N<sub>10</sub>-C<sub>11</sub> prodrug". Applicants respectfully submit that this amendment obviates the rejection and request that it be withdrawn.

In addition, claim 12 was rejected because the groups in claim 12 were not written properly. In order to advance prosecution, Applicants have cancelled claim 12.

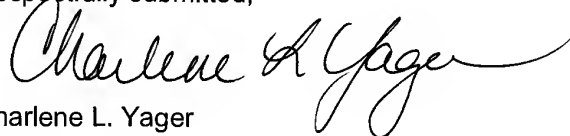
Claim 1 was rejected because the group NHRR' has a positive charge and no counter ion was described. Applicants have amended claim 1 to correct a typographical error. Applicants respectfully submit that this amendment obviates the rejection and requests that the rejection be withdrawn.

Claim 11 was rejected for the use of the terms "ester" and "thioester" because those are classes of compounds and not radicals. Applicants have amended claim 11 to replace the term "hydroxyl, ester or thioester" with "OH, OR or SR". In addition, Applicants have amended claim 11 to clarify the structure of the claimed prodrug. Applicants submit that this amendment obviates the rejection and request that the rejection be withdrawn.

**CONCLUSION**

In view of the remarks presented herein, it is believed that this application is now in condition for allowance. The Examiner is strongly encouraged to contact the undersigned at the phone number below should any issues remain with respect to the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charlene L. Yager", written in a cursive style.

Charlene L. Yager  
Reg. No. 48,887

Docket No.: 065435-9048-US00  
Michael Best & Friedrich LLP  
One South Pinckney Street  
P. O. Box 1806  
Madison, WI 53701-1806  
608.257.3501